

PROSKAUER ROSE LLP
Bettina B. Plevan
Rebecca L. Berkebile
Eleven Times Square
New York, New York 10036
(212) 969-3000
bplevan@proskauer.com
Attorneys for Non-Party The Mount Sinai Hospital

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
HOWARD GALE,	:	
	:	Civil Action No:
<i>Plaintiff,</i>	:	12-CV-3614 (VLB) (LMS)
	:	
-against-	:	
	:	Hon. Vincent L. Briccetti
SMITH & NEPHEW, PLC,	:	
SMITH & NEPHEW, INC.,	:	
SMITH & NEPHEW, GmbH,	:	DECLARATION OF
SPECIALITY ORTHOPAEDICS, PLLC and	:	EILEEN HAUPTMAN
STEVEN B. ZELICOF, M.D.	:	IN OPPOSITION TO
	:	<u>MOTION FOR CONTEMPT</u>
Defendants.	:	
-----	X	

I, EILEEN HAUPTMAN, hereby declare, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the Administrative Lab Manager in the Pathology Department at The Mount Sinai Hospital ("Mount Sinai" or the "Hospital"). I have held this position since 2010.
2. The hardware and tissue specimen removed from Howard Gale during his May 22, 2012 surgery at Mount Sinai was transported from the operating room to the Pathology Department, and assigned accession number MS-12-64267 A.

3. The specimen removed from Mr. Gale was comprised of hardware and tissue. This accession number assigned to this specimen was never entered into the hardware log book. There is no log book for tissue specimens. Therefore, the specimen was never tracked after it arrived in the Pathology Department.

4. Mount Sinai does not send any hardware or tissue removed from patients to a different country. This was not the Hospital's practice in 2012, and it has not been the Hospital's practice thereafter.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: August 26, 2014
New York, New York


EILEEN HAUPTMAN